

**REMARKS**

The Office Action dated June 28, 2005 has been fully considered. Claims 1-9 and 12-13 have been canceled and new claims 40-51 have been added. Claims 40-51 are pending in this application.

Applicant appreciates Examiner's indication of allowability of claim 2 at paragraph 4 on page 3.

In paragraph 3 on page 3 of the Office Action, claims 1, 3-9, 12, and 13 were rejected under 35 U.S.C. § 103(a) over Takuji (Japanese Patent No.: JP 10-256621) in view of the Journal of Applied Physics article "Oxygen as a Surfactant in the Growth of Giant Magnetoresistive Spin Valves" by Egelhoff et al.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has canceled claims 1-9 and 12-13 and added new claims 39-50. Applicant respectfully submits that the cited references, alone or in combination, fail to disclose, teach or suggest the structure of Applicant's invention, and in particular an oxidized copper seed layer and oxidized spacer layer in the particular structure of the NiMn top spin valve structure of Applicant's invention.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 423-757-0264.

Respectfully submitted,

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